

**53-21-138. Diversion of certain persons suffering from mental disorders from detention center.** (1) The sheriff or administrator of a detention center in each county shall require screening of inmates to identify persons accused of minor misdemeanor offenses who appear to be suffering from mental disorders and who may require commitment, as defined in 53-21-102.

(2) If as a result of screening and observation it is believed that an inmate is suffering from a mental disorder and may require commitment, the sheriff or administrator of the detention center shall:

(a) request services from a crisis intervention program established by the department, as provided for in 53-21-139;

(b) refer the inmate to the nearest qualified mental health care provider as arranged by the county; or

(c) subject to 53-21-193 and subsection (3) of this section, transfer the inmate to a private mental health facility, a behavioral health inpatient facility, or a hospital equipped to provide treatment and care of persons who are suffering from a mental disorder and who require commitment.

(3) The facility must be notified, and the facility shall state that a bed is available and agree to accept transfer of the patient based on admission criteria before a person may be transferred under this section.

(4) As used in this section, the term "minor misdemeanor offense" includes but is not limited to a nonserious misdemeanor, such as criminal trespass to property, loitering, disorderly conduct, and disturbing the public peace.

(5) A person intoxicated by drugs or alcohol who is accused of a minor misdemeanor offense may be detained in a jail until the level of intoxication is reduced to the point that screening for a mental disorder and the need for commitment can be performed.

**History:** En. Sec. 3, Ch. 636, L. 1991; amd. Sec. 2, Ch. 312, L. 1993; amd. Sec. 488, Ch. 546, L. 1995; amd. Sec. 28, Ch. 490, L. 1997; amd. Sec. 4, Ch. 247, L. 1999; amd. Sec. 8, Ch. 513, L. 2003; amd. Sec. 4, Ch. 561, L. 2003; amd. Sec. 14, Ch. 602, L. 2003.

**Cross-References**

Mileage and expenses of Sheriff for delivery of mentally ill persons, 7-32-2144.  
Definition of misdemeanor, 45-2-101.

**53-21-139. Crisis intervention programs.** (1) The department shall, subject to available appropriations, establish crisis intervention programs. The programs must be designed to provide 24-hour emergency admission and care of persons suffering from a mental disorder and requiring commitment in a temporary, safe environment in the community as an alternative to placement in jail.

(2) The department shall provide information and technical assistance regarding needed services and assist counties in developing county plans for crisis intervention services and for the provision of alternatives to jail placement.

(3) The department may provide crisis intervention programs as:

(a) a rehabilitative service under 53-6-101(4)(j); and

(b) a targeted case management service authorized in 53-6-101(4)(n).

**History:** En. Sec. 4, Ch. 636, L. 1991; amd. Sec. 489, Ch. 546, L. 1995; amd. Sec. 29, Ch. 490, L. 1997; amd. Sec. 2, Ch. 530, L. 2005.

**53-21-140. Use of two-way electronic audio-video communication.** (1) For purposes of this chapter, a hearing that is conducted by the use of two-way electronic audio-video communication, allowing all of the participants to be observed and heard by all present, is considered to be a hearing in open court.

(2) Whenever the law requires that a respondent or patient in any of the hearings provided for in subsection (3) be present before a court, this requirement may, in the discretion of the court, be satisfied either by the respondent's or patient's physical appearance before the court or by two-way electronic audio-video communication. The audio-video communication must operate so that the respondent or patient, the respondent's or patient's counsel, and the judge can see each other simultaneously and converse with each other, so that the respondent or patient and the respondent's or patient's counsel can communicate privately, and so that the respondent or patient and counsel are both present during the two-way electronic audio-video